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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/891,712

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Glenn R. Engel

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AGILENT TECHNOLOGIES, INC.
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Intellectual Property Administration
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EXAMINER

PATEL, NIKETA I

ART UNIT

PAPER NUMBER

2181

MAIL DATE

DELIVERY MODE

09/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 09/891,712	Applicant(s) ENGEL ET AL.
Examiner NIKETA I. PATEL	Art Unit 2181

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
b) ☐ They raise the issue of new matter (see NOTE below);
c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Niketa I. Patel/
Primary Examiner, Art Unit 2181

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 8/27/2008 have been fully considered but they are not persuasive. The applicant argues that the combination of Mendez et al. US 2004/0139178 A1 (hereinafter referred to as "Mendez") and Cochran et al. U.S. 2002/0161867 A1 (hereinafter referred to as "Cochran") fails to teach (1) the following limitations:

- (a) "...the configuration server generating a web page that enables access to a configuration applet";
 - (b) "...a web browser that enables a user to load the configuration applet from the configuration server onto the node via the network by accessing the web page";
 - (c) "...such that the configuration applet when executing on the node searches the local network for the network device";
 - (d) "...the web browser enabling the user to generate a set of network configuration parameters for the network device under control of the configuration server by communicating with the configuration server via the network"; and
- (2) Cochran's "configuration assembly 12" can not be interpreted to meet the limitation of "configuration applet" (see "Remakes" pages 2-5.) The examiner respectfully disagrees with these arguments.

As per the first argument, the combination of Mendez and Cochran discloses the limitation of:

- (a) "...the configuration server generating a web page that enables access to a configuration applet" at paragraph 44 of Mendez, which states that the web engine is enabled to run applets, which when executed operate as the security interface for providing access to the global server 115 and which operate as the application interface with the requested service;
- (b) "...a web browser that enables a user to load the configuration applet from the configuration server onto the node via the network by accessing the web page" at paragraph 44 of Mendez, which states that the web engine is enabled to run applets, which when executed operate as the security interface for providing access to the global server 115 and which operate as the application interface with the requested service and using the present invention, a user can operate any remote client 105 connected to the Internet to access the global server 115, and thus to access the services and the workspace data on or accessible by the global server 115;
- (c) "...such that the configuration applet when executing on the node searches the local network for the network device" at paragraph 44 of Mendez, which discloses a configuration applet and paragraph 43 of Cochran discloses a system for searching a network to locate a networked device before configuring the device;
- (d) "...the web browser enabling the user to generate a set of network configuration parameters for the network device under control of the configuration server by communicating with the configuration server via the network" at paragraphs 42-43 of Cochran - the device configuration assembly 12 is displayed to the user and allows user to select (i.e., enables user to generate) the desired communication interfaces (i.e., network configuration parameters) from the address search option. Furthermore, the network information is the table 146 is detected by the device configuration assembly 12, which then displays the information to the user for viewing and modification.]

As per the second argument, Cochran's configuration assembly 12 is not interpreted as the claimed configuration applet. The claimed configuration applet is disclosed by Mendez [at paragraph 44 of Mendez, which states that the web engine is enabled to run applets, which when executed operate as the security interface for providing access to the global server 115 and which operate as the application interface with the requested service.] Cochran is relied upon to show that a search is performed to locate a network device before the networked device is configured.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Cochran teaches that the computing device 14 loads a configuration assembly 12 from a device over a network to facilitate a search on the local network for the network device [see paragraph 0040, web pages, paragraph 0043 - searching the network to locate the device.]